

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of: L. Paatero

Group No. 2132
Examiner: V. Herring

Serial No.: 0 / 10/090,426

Filed: February 28, 2002

For: Method and System to Allow Performance of Permitted Activity with Respect to a Device

Commissioner of Patents and Trademarks
Washington, D.C. 20231
ATTENTION: GROUP DIRECTOR

**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT AFTER
MAILING DATE OF FINAL ACTION OR NOTICE OF ALLOWANCE
BUT BEFORE PAYMENT OF ISSUE FEE (37 CFR 1.97(d))**

NOTE: "An information disclosure statement shall be considered by the Office if filed after the mailing date of either (1) a final action under § 1.113 or (2) a notice of allowance under § 1.311, whichever occurs first, but before payment of the issue fee, provided the statement is accompanied by: (i) a certification as specified in paragraph (e) of this section, (ii) a petition requesting consideration of the information disclosure statement, and (iii) the petition fee set forth in § 1.17(i)(1)." 37 CFR 1.97(d) (emphasis in original).

NOTE: If the information disclosure statement that contains the items required by 37 CFR 1.97(d) is filed before, or simultaneously with, the payment of the issue fee, then it will be considered. See Notice of April 20, 1992 (1138 O.G. 37-41, 40).

**TIME OF TRANSMITTAL OF ACCOMPANYING
INFORMATION DISCLOSURE STATEMENT**

1. The information disclosure statement transmitted herewith is being filed *after* a final action under § 1.113 or a notice of allowance under § 1.311, whichever occurs first, but before, or simultaneously with the payment of the issue fee.

WARNING: "A petition for suspension of action to allow applicant time to submit an information disclosure statement will be denied as failing to present good and sufficient reasons, since 37 CFR 1.97 provides adequate recourse for the timely submission of prior art for consideration by the examiner." Notice of July 6, 1992 (1141 O.G. 63).

CERTIFICATION, PETITION AND FEE

2. In accordance with the requirements of 37 CFR 1.97(d):

A. Accompanying this transmittal is a certification as specified in 37 CFR 1.97(e).

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the data shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Margery B. Hood

(Type or print name of person mailing paper)

Date:

July 12, 2007

Margery B. Hood

(Signature of person mailing paper)

(Transmittal of Information Disclosure Statement After Mailing Date of Final Action or Notice of Allowance But Before Payment of Issue Fee [6-5]—page 1 of 2)

B. Applicant hereby petitions for the consideration of the accompanying information disclosure statement. 37 CFR 1.97(d)(ii).

C. Applicant submits the petition fee set forth in § 1.17(i)(1). (\$130.00).

NOTE: "The petition should be directed to the Group Director of the examining group handling the application. The petition need do nothing more than request consideration of the information being submitted." Notice of April 20, 1992 (1138 O.G. 37-41, 40).

FEE DUE

3. Petition fee due (§ 1.17(i)(1)) \$130.00

METHOD OF PAYMENT OF FEE

4.

☒ attached is a check for \$130.00.

☐ charge Account _____ \$130.00.

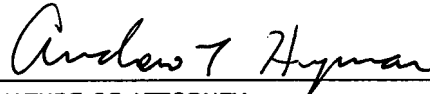
A duplicate of this petition is attached.

If any additional petition fees are due, please charge Account 23-0442

Reg. No.

45,858

Tel. No. (03) 261-1234



SIGNATURE OF ATTORNEY

Andrew T. Hyman

Type or print name of attorney

WARE, FRESSOLA, VAN DER SLUYS

P.O. Address & ADOLPHSON LLP
755 Main Street, PO Box 224
Monroe Ct 06468

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: L. Paatero

Group No. 2132

Serial No.: 0 / 10/090,426

Examiner: V. Herring

Filed: February 28, 2002

For: Method and System to Allow Performance of Permitted Activity with Respect to a Device

Commissioner of Patents and Trademarks
Washington, D.C. 20231**CERTIFICATION FOR INFORMATION DISCLOSURE STATEMENT (37 CFR 1.97(e))**

NOTE: A certification must state either: "(1) that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement, or (2) that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certificate after making reasonable inquiry, was known to any individual designated in § 1.56(c) more than three months prior to the filing of the statement." 37 CFR 1.97(e).

NOTE: "Section 1.97(e) makes it clear that a certification could contain either of two statements. One statement is that each item of information in an information disclosure statement was cited in a search report from a patent office outside the U.S. not more than three months prior to the filing date of the statement. Under this certification, it would not matter whether any individual with a duty actually knew about any of the information cited before receiving the search report. In the alternative, the certification could state that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual having a duty to disclose more than three months prior to the filing of the statement." Notice of January 9, 1992, 1135 O.G. 13-25, at 13. (emphasis added). Thus: "If an item of information is submitted within three months of being cited in a communication from a foreign patent office in a counterpart foreign application, the certification can be properly made regardless of any individual's previous knowledge of the information." *Id.*, 1135 O.G. at 19.

NOTE: "The certification can be based on present, good faith knowledge about when information became known without a search of files being made." Thus, for example, the certification of § 1.97(e) does not preclude the use of the certification in an application by corporations whose practitioners have over the years reviewed thousands of patents and technical publications, even though they are unaware of the relevance of any one thereof to the application. Notice of January 9, 1992, 1135 O.G. 13-15, at 19.

NOTE: A copy of the foreign search report need not be submitted with the certification. Notice of April 20, 1992 (1138 O.G. 37-41, 40).

NOTE: "The phrase 'after making reasonable inquiry' makes it clear that the individual making the certification has a duty to make reasonable inquiry regarding the facts that are being certified. The certification

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the data shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Margery B. Hood

(Type or print name of person mailing paper)

Date:

July 12, 2007Margery B. Hood
(Signature of person mailing paper)

can be made by a registered practitioner who represents a foreign client and who relies on statements made by the foreign client as to the date the information first became known. A registered practitioner who receives information from a client without being informed whether the information was known for more than three months, however, cannot make the certification without making reasonable inquiry. For example, if an inventor gave a publication to the attorney prosecuting an application with the intent that it be cited to the Office, the attorney should inquire as to when that inventor became aware of the publication and should not submit a certification under 37 CFR 1.97(e)(2) to the Office until a satisfactory response is received. The certification can be based on present, good faith knowledge about when information became known without a search of files being made." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "Although it is recognized that an individual actually becomes aware of the information in the communication from a foreign patent office sometime after it was mailed, the mailing date of such a communication, if it occurs prior to a first awareness of the same information, would determine the date for filing of an information disclosure statement without a fee" in a certification procedure under § 1.97(e). Notice of January 9, 1992, 1135 O.G. 13-25, at 19 (emphasis added).

NOTE: "The certification under § 1.97(e) should be made by a person who has knowledge of the facts being certified. The certification can be made by a practitioner who represents a foreign client and who relies on statements made by the foreign client as to the date the information first became known. A practitioner who receives information from a client without being informed whether the information was known for more than three months, however, cannot make the certification without making reasonable inquiry." Notice of January 9, 1992, 1135 O.G. 13-25 at 19.

NOTE: "The term counterpart foreign patent application means that a claim for priority has been made in either the U.S. application or a foreign application based on the other, or that the disclosures of the U.S. and foreign patent applications are substantively identical (e.g., an application filed in the European Patent Office claiming the same U.K. priority as claimed in the U.S. application)." Notice of April 20, 1992 (1138 O.G. 37-41, 39).

NOTE: "Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent or inventor." 37 CFR 1.56(d) and

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) each inventor named in the application;

(2) each attorney or agent who prepares or prosecutes the application; and

(3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 CFR 1.56(c).

IDENTIFICATION OF INFORMATION DISCLOSURE STATEMENT FOR WHICH THIS CERTIFICATION IS BEING MADE

1. This certification is being made for the Information Disclosure Statement

☒ accompanying this certification

☐ filed _____

(date)

CERTIFICATION

2. I, the person(s) signing below certify

(check appropriate item)

- ☒ that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement. 37 CFR 1.97(e)(1).

NOTE: *The three month period starts from the mailing date of the foreign patent office communication. Notice of January 9, 1992, 1135 O.G. 13-25 at 19. The mailing date is the "date on the communication by the foreign patent office." Notice of April 20, 1992 (1138 O.G. 37-41, 39).*

OR

- ☐ that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in § 1.56(c) more than three months prior to the filing of the statement. 37 CFR 1.97(e)(2).

NOTE: *"The time at which information 'was known to any individual designated in 37 CFR 1.56(c)' is the time when the information was discovered in association with the application even if awareness of the materiality came later." Notice of April 20, 1992 (1138 O.G. 37-41, 40).*

IDENTIFICATION OF PERSON(S) MAKING THIS CERTIFICATION

3. The person making this certification is

(check each applicable item (a) and/or (b))

- (a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

Type name of inventor who is signing

- (b) ☐ A person who is substantively involved in the preparation or prosecution of the application, and who is associated with the inventor, with the assignee, or with anyone to whom there is an obligation to assign the application (37 CFR 1.56(c)) and who signs below.

SIGNATURE OF PERSON

Type name of person who is signing

Address of person who is signing

(c) ☒ the attorney who signs below on the basis of the information:

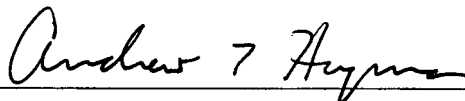
(check each applicable item)

- ☐ supplied by the inventor(s)
- ☐ supplied by an individual designated in § 1.56(c)
- ☒ in the attorney's file

NOTE: "Certification need not be in the form of an oath or a declaration under 37 CFR 1.68. Certification by a registered practitioner or any other individual that the statement was filed within the three-month period of either first citation by a foreign patent office or first discovery of the information will be accepted as dispositive of compliance with this provision in the absence of evidence to the contrary." . . . "A statement on information and belief would not be sufficient." Notice of April 20, 1992 (1138 O.G. 37-41, 39-40).

Reg. No.: 45,858

Tel. No. (203) 261-1234



SIGNATURE OF ATTORNEY

Andrew T. Hyman

Type or print name of attorney

WARE, FRESSOLA, VAN DER SLUYS

P.O. Address

& ADOLPHSON LLP

755 Main Street, PO Box 224
Monroe CT 06468

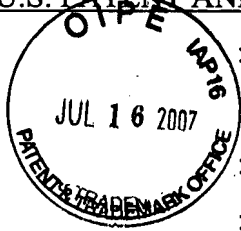
IN THE U.S. PATENT AND TRADEMARK OFFICE

Re application of

L. Paatero

Serial No. 10/090,426

Filed: February 28, 2002



Examiner: V. Herring

Group Art Unit: 2132

For: METHOD AND SYSTEM TO ALLOW PERFORMANCE OF PERMITTED
ACTIVITY WITH RESPECT TO A DEVICE

INFORMATION DISCLOSURE STATEMENT

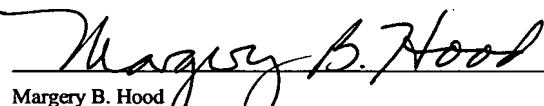
Commissioner for Patents
U.S. Patent & Trademark Office
PO Box 1450
Alexandria VA 22313-1450

Sir:

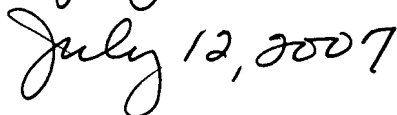
Applicant discloses herewith references of which she is aware, which she believes may be material to the examination of this application and in respect of which she may have a duty to disclose in accordance with 37 CFR 1.56.

While this Information Disclosure Statement may be "material" pursuant to 37 CFR 1.56(b), it is not intended to constitute an admission that any document referred to herein is "prior art" for this invention unless specifically designated as such.

I hereby certify that this correspondence is being deposited on the date shown below with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450.


Margery B. Hood

Dated:

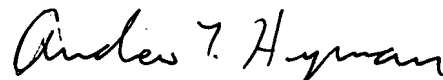


In accordance with 37 CFR 1.97(g), the filing of this IDS shall not be construed to mean that a search has been made or that no other material information as defined under 37 CFR 1.56(a) exists.

Applicant wishes to disclose a European Search Report in a copending EP application. A copy of the EP Search Report is enclosed for the convenience of the Examiner, along with an SB08A listing the cited references. It is noted that the Ludwig reference US 2001/0021928 is already of record in the instant application.

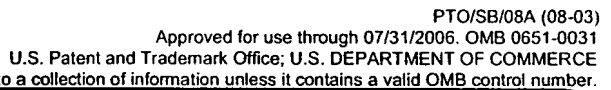
The remaining references were unknown to the Applicant's Attorney until after issue of the EP Search Report on June 19, 2007.

Respectfully submitted,



Andrew T. Hyman
Attorney for the Applicant
Registration No. 45,858

mbh
July 11, 2007
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Substitute for form 1449/PTO

(Use as many sheets as necessary)

Complete if Known

Application Number	10/090,426
Filing Date	Feb. 28, 2002
First Named Inventor	L. Paatero
Art Unit	2132
Examiner Name	V. Herring
Attorney Docket Number	944-005.005

Sheet _____ of _____

U. S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
	3	EP 1,175,039 A2	01-23-2002	TRW, Inc.		

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.